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Comptroller General
of the United States

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Washington, D.C. 20548

Decision

Matter: The Wizards--Movers Elite Inc.--
Reconsideration

File: B-255753.3

Date: September 28, 1994

DECISION

The Wizards--Movers Elite Inc. requests reconsideration of our decision Wizards-Movers Elite, Inc., Elkay Transp., Inc., B-255753; B-255753.2, Mar. 29, 1994, 94-1 CPD ¶ 221, in which we dismissed in part and denied in part its protest against the proposed award to Business Relocators, Inc. under invitation for bids (IFB) No. 3FBG-W-EC-S-5140, issued by the General Services Administration (GSA) to acquire moving services.

We deny the request.

At issue here is that portion of Wizards's original protest challenging the method of award formula, which assigned equal weight to both routine and major moves. We dismissed that portion of the protest because it was untimely filed after bid opening.¹

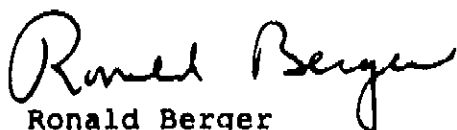
In its request for reconsideration, Wizards argues that we should consider the method of award formula issue under the "good cause" or "significant issue" exceptions to our timeliness requirements. 4 C.F.R. § 21.2(c) (1994). We reject this argument. First, the good cause exception is limited to circumstances where some compelling reason beyond the control of the protester prevents the protester from submitting a timely protest. Keci Corp.--Recon., B-255193.2, May 25, 1994, 94-1 CPD ¶ 323. Wizards has not shown that some compelling reason beyond its control existed

¹Not at issue here is the assertion in Wizards's original protest that the awardee's bid was materially unbalanced. We denied that portion of the protest since there was no indication in the record that the awardee's bid was overstated for one or more items; thus, there could be no finding that the bid was mathematically unbalanced, a necessary prerequisite to finding a bid materially unbalanced.

here. Further, we will not consider the merits of an untimely protest by invoking the significant issue exception where the protester does not raise an issue of first impression which is of widespread interest to the procurement community. Id. We previously have considered issues relating to the weighting of work for price evaluation purposes. See, e.g., Temps & Co., 65 Comp. Gen. 640 (1986), 86-1 CPD ¶ 535; Robinson Mills & Williams, B-236956.3, Feb. 7, 1990, 90-1 CPD ¶ 156. In any case, while we recognize the importance of this matter to Wizards, we do not consider the matter of the proper award formula under this solicitation to be of widespread interest.

We note that, while we dismissed the method of award formula issue as untimely filed, in the letter to GSA's Administrator transmitting our decision, we noted that the challenged bid evaluation approach could indeed result in award to an apparent low bidder that would not result in the lowest cost to the government. We brought the matter to the Administrator's attention so that GSA may take appropriate action for future procurements.

The request for reconsideration is denied.



Ronald Berger
Associate General Counsel